

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-561-FDW

EDWARD EARL BROWN, JR.,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
A. PHILLIPS, et al.,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on periodic status review.

Pro se Plaintiff's Complaint, (Doc. No. 2), filed pursuant to 42 U.S.C. § 1983, passed initial review on claims of excessive force against Correctional Officer A. Phillips, Correctional Officer Baker, Assistant Unit Manager Rorie, Captain Martin, and Sergeant Lamburt, for their actions while employed at the Lanesboro Correctional Institution. See (Doc. No. 23). Plaintiff prepared summons forms and the U.S. Marshals' Service attempted service. All of the summons forms were returned unexecuted. (Doc. Nos. 28-32). On January 3, 2018, the Court ordered the U.S. Marshal to use reasonable efforts to serve Defendants, and a summons was returned executed as to Angela Rorie. (Doc. Nos. 33, 39). None of the other Defendants have been served to date.

The Court recently enacted Local Rule 4.3 that sets forth a procedure to waive service of process for current and former employees of the North Carolina Department of Public Safety ("NC DPS") in actions filed by North Carolina State prisoners. Due to the difficulty the U.S. Marshal is experiencing in completing service of process, the Court will order the Clerk to commence the procedure for waiver of service as set forth in Local Rule 4.3 for the unserved Defendants who are current or former employees of NC DPS.

IT IS THEREFORE ORDERED that:

1. The Clerk of Court shall commence the procedure for waiver of service as set forth in Local Rule 4.3 for **Defendants Phillips, Baker, Martin, and Lamburt**, who are current or former employees of NC DPS.
2. The Clerk is respectfully instructed to mail a copy of this Order to the U.S. Marshal.

Signed: May 7, 2018



Frank D. Whitney
Chief United States District Judge

